



PATENT
Attorney Docket No. 7040.0113.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Renato CARETTA) Group Art Unit: 1732
)
Serial No.: 10/025,787) Examiner: Mathieu D. Vargot
)
Filed: December 26, 2001)
) Confirmation No.: 5883
For: METHOD AND APPARATUS FOR)
MOULDING AND CURING TYRES)
FOR VEHICLE WHEELS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated August 14, 2007, the Examiner required restriction under 35 U.S.C. § 121 between Group I, claims 34-37 and 39-47 and Group II, claims 48-66.

Applicant respectfully traverses the restriction requirement for at least the reasons set forth below. However, to be fully responsive, Applicant elects, with traverse, the subject matter of Group I, claims 34-37 and 39-47, for prosecution on the merits.

For a restriction requirement to be proper, the Examiner must show that a serious burden exists if all claims are examined together. M.P.E.P. § 803. Group I and II are related as a method and an apparatus for its practice. These claims are sufficiently related to be examined together, as demonstrated by the fact that the Examiner did, in fact, previously examine all the claims together. See March 26, 2004


Office Action. The Amendment filed on July 24, 2004 incorporated the subject matter of previously presented dependent claims into independent claims and did not add new subject matter. Because the Amendment did not add any previously unclaimed limitations, there is no reason why the pending claims would present the Examiner with a serious burden if examined together. In fact, a proper search of either Group I or Group II would overlap with a search of the other Group. For these reasons, Applicants respectfully requests that the Examiner withdraw the restriction requirement and examine Groups I and II together.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 2, 2007

By: 
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